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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,378	12/08/2003	Herbert Boegge	028987.52721US	8159

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EXAMINER

WEBB, TIFFANY LOUISE

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/729,378	Applicant(s) BOEGGE ET AL.	
	Examiner Tiffany L. Webb	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Amendment submitted on 2/3/2006 is acknowledged by the examiner.

Drawings

1. The drawings are objected to because from Figure 2, there appears to be a plurality of gas generators, but in Figure 3 there is only one shown and it seems to be at a different angle than the generators in Figure 2.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6, 8, and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the amended claim 1, line 16-17, the applicant has added a limitation where the gas lance connects the gas generator with the constructional unit by way of a U-shaped connection. Although the drawings show a connection between the gas generator and the constructional unit, it appears from Figure 2 that reference character 30, gas generator, is pointing directly to the area that the examiner would consider the connection. The specification does not further aid in clarifying the connection of the gas lance and the constructional unit.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 8, and 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Amended claim 1 is unclear to the meaning of "substantially parallel" because it appears in Figure 2 that the gas generator is not represented as even close to being parallel.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 6, 8, and 10 rejected under 35 U.S.C. 102(b) as being anticipated by Sinnhuber. Regarding claim 1, Sinnhuber discloses having a safety system for a motor vehicle, including: a protective bag (8), which is folded in a packet (see Figure 4) and is completely received in a door body of a door of a vehicle body (see Figure 6), and in an inflated condition the bag extends along an interior side of a door window in order to protect the head of an occupant (see Figure 7) and unfolds from the door body in a direction of a roof essentially along the door window (see Figure 7); a gas lance together with which the packet forms a constructional unit (9"); a gas generator in the door body adjacent to the constructional unit (49) and extending beneath and substantially parallel to the constructional unit (see Figure 7); and a U-shaped connection (50) linking the gas generator and the gas lance (see front/left door in Figure 7). Regarding claim 6, Sinnhuber discloses having the airbag emerge by way of a door covering (1""", see Figure 6) during inflation. Regarding claim 8, Sinnhuber discloses the constructional unit fastened to an assembly carrier in the door body (col. 4, lines 20-23). Regarding claim 10, Sinnhuber discloses the airbag emerging adjacent to a belt line (see Figure 6).

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sinnhuber in view of Taguchi et al. (US 5,316,336). Sinnhuber is discussed above and fails to disclose the airbag having the wall of the airbag facing away from the door extending approximately parallel to the door window. Regarding claim 2, Taguchi et al. discloses a protective bag constructed so that a wall of the protective bag facing away from the door window, in the inflated condition, extends approximately parallel to the door window (36 in Figure 12). It would have been obvious to one having ordinary skill in the art at the time of the invention to have the inflate the airbag of Sinnhuber parallel to the door window in view of the Taguchi et al. in order to provide adequate support and cushioning between the vehicle occupant and the door window.

8. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinnhuber in view of Haland et al. (US 5,788,270). Sinnhuber is discussed above and fails to disclose hollow-body-type sections with the same cross-section and extending an identical distance in the vertical direction of the vehicle. Regarding claim 3, Haland et al. teaches to use parallel elongated cells in order to provide tensioning on the air bag system (col. 6, lines 59-61). Further regarding claim 4, Haland et al. discloses having hollow-body-type sections which are approximately the same cross section (See Figures 7 and 8). Further regarding claim 5, Haland et al. discloses having hollow-body-type sections extending an identical distance vertically (See Figure 6, 49 and 40). It would have been obvious to a person having ordinary skill in the art at the time of the invention to use hollow-body-type sections with approximately the same cross section that are the same distance vertically in the air bag system of Sinnhuber in view of the

teachings of Haland et al. in order to allow for tension in the air bag so that it does not move or bounce during inflation and to fully protect the head of the passenger.

Response to Arguments

9. Applicant's arguments, see page 8, lines 8-14, filed 2/3/2006, with respect to claim 10 have been fully considered and are persuasive. The rejection under 35 U.S.C 112, second paragraph, of claim 10 has been withdrawn.

10. Applicant's arguments with respect to claims 1-6, 8, and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany L. Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tiffany L Webb
Examiner
Art Unit 3616

tlw



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